

Barrier Resources Act (16 U.S.C. 3503(a)), are hereby replaced by 2 other maps relating to those units entitled "Coastal Barrier Resources System Cape Fear Unit, NC-07P" and dated February 18, 2003.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

CONGRATULATING SHIRIN EBADI FOR WINNING THE 2003 NOBEL PEACE PRIZE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 244, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas Shirin Ebadi is the winner of the 2003 Nobel Peace Prize;

Whereas Shirin Ebadi has fought to support basic human rights in Iran through her work as a lawyer, judge, lecturer, writer, and activist;

Whereas Shirin Ebadi believes that conflict should be resolved peacefully through dialogue and mutual understanding;

Whereas Shirin Ebadi supports democracy and democratic elections and has defended those who have been attacked for exercising their freedom of speech;

Whereas Shirin Ebadi argues for an interpretation of Islamic law that is in harmony with democracy and vital human rights such as equality before the law, freedom of religion, and freedom of speech;

Whereas Shirin Ebadi has been a leader in promoting the human rights of women and girls; and

Whereas Shirin Ebadi has been arrested numerous times for her courageous defense of basic human rights and democratic ideals, sacrificing her own freedom for the freedom of others: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Shirin Ebadi for winning the 2003 Nobel Peace Prize; and

(2) commends Shirin Ebadi for her lifetime of work to promote democracy and human rights.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 350, H.J. Res. 63.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 63) to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I rise today to support passage of H.J. Res. 63, legislation to approve and extend the Compacts of Free Association between the United States and the Federated States of Micronesia, FSM, and the United States and the Republic of the Marshall Islands, RMI. As chairman of the Senate Committee on Energy and Natural Resources with jurisdiction over these islands, I am pleased that we are ready to pass this legislative package. We have made great progress in a short amount of time. The administration did not transmit the joint resolution to the Senate until July 14, 2003, and the original Compact expired on September 30. Since that time, we have been on an extension. However, in just over 3 months, Congress has completed its work and is now poised to enact the agreements that will govern our mutually beneficial relationship for the next 20 years.

The legislation now before the Senate encompasses a broad array of important policy issues, including funding, education, labor, disaster assistance, and immigration matters. Consequently, a number of committees have assisted the Energy and Natural Resources Committee in reaching this bipartisan agreement. For helping us resolve these numerous issues, I would like to thank Budget Committee Chairman NICKLES and Ranking Member Senator CONRAD; Health, Education, Labor and Pensions Committee Chairman GREGG and Ranking Member Senator KENNEDY; Labor, Health and Human Services and Education Appropriations Subcommittee Chairman SPECTER and Ranking Member Senator HARKIN; and Environment and Public Works Committee Chairman INHOFE and Ranking member Senator JEFFORDS. Thanks also to the staff from these committees for their assistance.

I must of course express my appreciation to the members of the Senate Energy and Natural Resources Committee. In particular, I would like to commend the leadership, provided by

Senator BINGAMAN, the ranking member of the committee and Senator CRAIG, chair of the Public Lands and Forests Subcommittee. A special thanks to Senator AKAKA, a great friend and voice for the islands. The committee is grateful for his assistance in this effort. Finally, I would like to thank Kellie Donnelly and Allen Stayman of the committee staff for their hard work and dedication throughout this process.

Enactment of the amended Compacts will continue a remarkable relationship first forged after World War II. It is important to remember that these islands were occupied by Japan and experienced some of the bloodiest fighting during World War II. After the war, the islands were placed under the United Nations' trusteeship system. The United States served as U.N. trustee and in that capacity, aided the islands' transition into self-governing nations, freely associated with the United States. With the ratification of the original Compact of Free Association in 1986, a unique relationship with these islands was formed.

The Compact of Free Association has guided our Nation's relationship with the FSM and RMI for the past 17 years. Most would agree that the original Compact has been a success. Indeed, the Compact has achieved its goals of, 1, establishing full self-governance for the islands and ending the U.N. trusteeship; and 2, securing our mutual defense interests. One final goal remains, to assist Micronesia and the Marshall Islands in their efforts to advance economic self-sufficiency. The amended Compacts aim to achieve this goal.

The amended Compacts also seek to improve upon the original. After nearly 20 years of free association, the United States has learned a great deal and has identified areas in need of improvement. The legislation now before us continues U.S. economic assistance and each nation, including the United States, has increased oversight and accountability responsibilities via the Joint Economic Management Committees that have been established.

In order to realize the goal of economic self-reliance for the islands, the amended Compacts establish and capitalize trust funds for the FSM and RMI, respectively. Properly managed, the trust funds will provide an ongoing source of revenue when annual payments by the United States end in 2023.

H.J. Res. 63 further provides annual funding to address the migration impacts to neighboring Hawaii, Guam, the Northern Mariana Islands, and American Samoa. In the wake of September 11, the Compacts' immigration provisions have been strengthened. In addition, funding is provided for food importation programs and judicial training.

Importantly, the amended Compacts maintain our Nation's defense rights in the western Pacific. It should be noted that the FSM and RMI have proven to be two of our country's most steadfast

allies in this region of the world. The United States has a "strategic denial right," that is, the right to deny access to the islands by the military forces of other nations. In addition, the United States has a "defense veto" that allows our Government to veto local actions that are determined to be incompatible with our defense responsibilities. The amended Compacts also seek to continue access to the U.S. military facilities at Kwajalein for the next 50 to 70 years.

The major policy issues of education and disaster assistance that are addressed in the amended Compacts have a very real impact on the daily lives of Micronesian and Marshallese citizens. Federal education programs have been available to the FSM and the RMI under the current Compact since 1986 and the administration testified that it assumed their continuation when it renegotiated the Compact. The Compact's goal of moving the islands to economic self-sufficiency will fail without these programs or funds to replace them.

In response to concerns expressed by the House and Senate Education Committees, we have reached agreement on an alternative approach to the education issue. The amended Compacts maintain the vital education programs of Pell Grants and the Individuals with Disabilities and Education Act. The remaining Federal formula grant education programs are terminated. In their place, a straight authorization is provided, \$12,230,000 for the FSM and \$6,100,000 for the RMI. This authorization creates a new discretionary grant program for the islands. The intent is to shift funding for these island's programs from their formula allocation of the national appropriation for these programs, to a separate appropriation of equal value.

In both chambers, the Labor, HHS, and Education Appropriations Subcommittees, which have funded the education programs for the islands for the past 17 years, have agreed to assist in funding this new approach. Once appropriated, the education funding would be disbursed and monitored in accordance with the Compact's fiscal procedures agreements with the FSM and RMI, respectively.

Islands are prone to natural disasters such as typhoons and, surprisingly, droughts. Disaster assistance, then, is of the utmost importance. In approving the original Compact, Congress ensured FEMA assistance for both the FSM and RMI. Clearly, some form of disaster assistance is necessary for infrastructure repair, to promote the goal of economic self-sufficiency, and to protect our investments.

As transmitted by the administration, the amended Compacts replaced FEMA with the U.S. AID's office of Foreign Disaster Assistance, OFDA. Because of the Energy Committee's concerns with OFDA's lack of reconstruction capability, the committee reinstated FEMA's services for the FSM

and RMI. Only last week, the administration submitted an alternative proposal for disaster assistance that includes both FEMA and OFDA participation. While the proposal may be workable, it would be premature to adopt it at this time. The legislation now before the Senate maintains FEMA's services for a period of 5 years. During this time, the administration will negotiate disaster assistance that provisions with the Governments of the FSM and RMI. It is the Committee's expectation that an agreement will be concluded expeditiously and if progress is not made in a timely fashion, the committee may conduct an oversight hearing on the matter. At the end of 5 years though, if a conclusion is not reached and enacted during that time period, the administration's hybrid proposal will be triggered.

I am pleased that the amended Compacts will soon be signed by the President, and I thank my colleagues for their support of this significant legislative package.

Mr. BINGAMAN. Mr. President, I am pleased to support passage of the Compact of Free Association Amendments Act of 2003, legislation that will extend and strengthen our Nation's special relationship with two young Pacific Island nations, the Federated States of Micronesia, FSM, and the Republic of the Marshall Islands, RMI.

The special ties between these islands and the United States have a long history, from the 19th Century New England whaling industry, through the terrible years of World War II, to the period of United States administration under the United Nations Trusteeship system. From 1947 to 1986, the U.S. governed these islands on behalf of the U.N. and was responsible for promoting the political, economic, and social development of the inhabitants. In 1986, the U.S. fulfilled its obligations to the U.N. with implementation of the Compact of Free Association, approved by Public Law 99-239. The Compact formally ended U.S. administration and allowed the FSM and RMI to achieve self-government and international recognition. The Compact also allowed the U.S. to continue the special security relationship forged during the Trusteeship. Now 17 years later, the Compact continues to provide for mutual defense and for political and economic stability in a region of significant interest to the U.S.

Prompt enactment of H.J. Res. 63 is needed to update and extend provisions of the Compact, particularly those economic assistance provisions which expired on September 30, 2003, but which have been temporarily extended.

I would like to remind my colleagues of the scope and importance of his security relationship because it provides one of the compelling reasons to support this resolution. Our mutual security includes the obligation of the U.S. to defend these nations as if they are a part of the U.S., and it is based on a simple geographic reality—the FSM

and RMI lie between the state of Hawaii, and our Territories of Guam and the Commonwealth of the Northern Mariana Islands in the western Pacific. During World War II, the islands of the FSM and RMI served as hard-fought stepping-stones in the Allied defeat of Imperial Japan. To help assure that such a struggle will never need to be repeated, the Compact grants the U.S. the right to deny access to the islands by the military forces of other nations, as well as the right to veto local actions that the U.S. determines are incompatible with its defense responsibilities. The Compact also provides that the FSM and RMI will sympathetically consider U.S. requests for military basing rights. In the past, U.S. nuclear weapons tests in the Marshall Islands played a central role in the development of our Nation's nuclear deterrent. Today, the missile test range at Kwajalein continues to play a vital role in maintaining the nation's ballistic missile capability and in developing missile defense systems. Enactment of this legislation could secure U.S. access to the missile test and space surveillance facilities at Kwajalein beyond 2016.

A second major element in the special relationship established by the Compact is the mutual interest in promoting economic development. This goal has been approached by providing a combination of financial and program assistance. Significant economic development occurred from 1986 to 2003, but the remote and resource-poor island economies continue to be based on the government-sector, and they are heavily dependent on U.S. assistance. Development has also been hindered by the Compact's weak accountability mechanisms and by the island governments' poor planning and management capabilities.

A third element in this special relationship is the Compact's provision granting FSM and RMI citizens the opportunity to live, work, and study in the U.S. as resident aliens. This privilege provides an outlet for the islands' population growth, but it has also resulted in significant migration to Hawaii, Guam, and the Commonwealth of the Northern Mariana Islands, CNMI. Due to relatively poor health and education conditions in the FSM and RMI, these migrants pose a disproportionately high impact on social services in the jurisdictions to which they migrate.

Finally, the Compact included a full and final settlement of all claims resulting from the U.S. nuclear weapons testing program that was conducted in the RMI from 1947 to 1958 and which significantly contaminated the islands of four atolls.

I commend the representatives of Micronesia, the Marshall Islands, and the United States for their work over the past 4 years to extend and strengthen the Compact. The two new Compact agreements they concluded are nested within this joint resolution and will

provide the assistance needed to assure continued economic development and mutual security in partnership with the United States. The administration transmitted the legislation on June 27, it was introduced as S.J. Res. 16 on July 14, 2003, and ordered reported by the committee, with amendments, on September 17. It would provide about \$4 billion in funding over the 20-year period from fiscal year 2004 to 2023 for grants, contributions to trust funds, payments to extend the lease at Kwajalein, the cost of certain domestic services and programs, and \$30 million annually to be allocated among Hawaii, Guam, the Northern Mariana Islands, and American Samoa to mitigate the impact of migration from the FSM and RMI. The package would also continue program assistance to the FSM and RMI through a range of domestic programs.

To improve the effectiveness of U.S. assistance in the future, the amended Compacts have enhanced accountability mechanisms. For example, instead of providing financial assistance in the form of direct cash payments, funds will be disbursed through sector grants targeted to priority areas such as health and education. A new "Fiscal Procedures Agreement," will establish new planning and reporting requirements, including the establishment of a joint economic management committee with each nation. These committees will have a U.S. majority membership, and the power to impose grant conditions and withhold funds. Finally, the Compacts anticipate the end of annual U.S. financial assistance after 2023 and provide for contributions to two trust funds that will become an alternate source of funding after that year.

The U.S. currently has access to military sites at Kwajalein Atoll until 2016, but this legislation provides an opportunity to extend U.S. access until 2086. The new arrangement regarding Kwajalein was negotiated with the Marshall Islands national government which has not yet reached agreement with all of the landowners involved. Accordingly, a new land use agreement will need to be concluded between the landowners and the Government of the RMI in order to give effect to the new access agreement. Until that time, this legislation requires that the increased payments be held in an interest-bearing escrow account.

Two issues that were not resolved during the Energy and Natural Resources Committee's consideration of this resolution are education and disaster assistance. As pointed out earlier, U.S. assistance under the Compact is provided through a combination of financial assistance and program assistance. In the case of education, U.S. domestic programs account for roughly 40 percent of education funding, with local and U.S. financial contributions making-up the balance. These U.S. programs were first made available to the FSM and the RMI as an initiative of

President Kennedy during the Trusteeship period and were continued under the Compact as negotiated and approved under President Reagan. The administration testified on this resolution in July before the Energy Committee that continuation of these programs was assumed when it renegotiated the Compact. Unfortunately, as the legislation moved forward, the House and Senate HELP Committees opposed continuation.

It was clear during the committee's consideration that the Compact's goal of promoting economic self-sufficiency would fail without maintaining current levels of support for education. This could be done by either continuing these programs, as assumed by the administration, or by providing an alternative source of funding.

The Energy Committee recommended continuation of critical programs and the "cash-out" of the remainder. Three domestic education programs that would be very hard, if not impossible, for the island governments to duplicate would continue: Pell Grants, programs under the Individuals with Disabilities Education Act, IDEA, and Job Corps. Pell grants to students attending the two community colleges in the FSM and RMI are vital to the survival of these two institutions and there is consensus to support their continuation. IDEA serves a special population in the islands that, without the extension of the U.S. program, is unlikely to be adequately served. Finally, an exception is made for Job Corps because of the role it plays in preparing young people to enter the workforce. This is particularly true at Kwajalein Atoll where the U.S. Army vigorously supports the continuation of Job Corps because it helps maximize local employment at the U.S. Army base there.

For the remaining Federal formula-grant programs administered by the Departments of Education and Labor, and for the Head Start Program, the committee recommended termination of the islands' eligibility and providing the islands with mandatory funding to replace, or "cash-out", the actual programs. However, the compromise agreed to with the House would provide an authorization for a discretionary, not mandatory "cash-out" of the programs to be terminated. The replacement funding under this proposal would continue to be provided by the appropriations subcommittee for Labor, HHS, and Education, but instead of being allocated from the appropriation for each of the national programs, there would be a new, separate appropriation of equal value to supplement the education sector grants provided by the Secretary of the Interior under section 211(a) of the two Compacts.

The initial authorization levels for these two new discretionary grants are based on estimates obtained from the Congressional Research Service and the Department of the Interior's Federal Program Coordinator, \$12,230,000

for the FSM, and \$6,100,000 for the RMI, and the authorization includes an inflation adjustment. Once appropriated, this supplemental funding would be used in accordance with an agreement between the appropriate cabinet officer and the Secretary of the Interior, and would be disbursed and monitored in accordance with the Compact's Fiscal Procedures Agreements with the FSM and RMI, respectively.

I support this compromise reluctantly because I am uneasy with discretionary funding for such a critical element of the Compacts. Nevertheless, it appears to be the best that can be worked out under the circumstances and I look forward to working with my colleagues next year to make sure that the funding is shifted smoothly from the allocation for each of these national programs to a new FSM-RMI supplemental appropriation of the same amount. I thank Senator GREGG and Senator KENNEDY for their cooperation in resolving these difficult education issues, and Stephanie Monroe and Jane Oates of the HELP staff for their time and effort in working out this compromise. I particularly want to thank Senator AKAKA for his hard work and commitment to this legislation, and to recognize Noe Kalipi and Melissa Hampe of his staff for their contributions.

A second item that was not resolved during the Energy Committee's deliberations was disaster assistance. The administration proposed that the current eligibility of the islands to participate in the disaster assistance programs of FEMA be terminated and replaced with eligibility for assistance from the Office of Foreign Disaster Assistance, OFDA. This approach was clearly flawed because OFDA is not required to rebuild essential infrastructure following disasters.

In response to this need, the administration transmitted a new proposal last week that would provide for assistance from both OFDA and FEMA. However, the details for implementing this new joint-program approach were not set forth in a subsidiary agreement, as has been done with other programs to be extended to the islands. Accordingly, a compromise has been developed that would continue FEMA assistance, as recommended by the Energy Committee, while the administration undertakes negotiations with the islands and FEMA on the new approach in which all parties seek to conclude subsidiary agreements that would clarify implementation of the new approach. To help assure that all parties will negotiate in good faith, the compromise further provides that the statutory language for the new approach, as submitted by the administration, would go into effect 5 years after the date of enactment of this joint resolution. It is my expectation that subsidiary agreements and any negotiated changes to the statutory language would be agreed to between the island governments and representatives of FEMA, OFDA, the

State Department and the Interior Department long before that deadline. I thank Senators INHOFE and JEFFORDS for their help in resolving this matter and I look forward to working with them next year to assuring that the islands have the disaster assistance that is essential to the success of their economies, and to the success of the Compacts.

I believe that we have taken two excellent agreements, as negotiated between the U.S. and the FSM, and between the U.S. and the RMI, and we have improved them so that they will serve as a solid foundation for future relations. I want to thank the chairman of the committee, Senator DOMENICI, for his leadership on this legislation and for his commitment to continuing the bipartisan approach that has characterized the committee's work on insular affairs. Finally, I wish to recognize the work of Al Stayman and Kellie Donnelly of the Energy Committee staff for their dedication and hard work in guiding this legislation through the process.

In 1986, the United States fulfilled its obligations under the Trusteeship and established a successful partnership under the Compact of Free Association to advance the interests of the United States, the FSM, and RMI in mutual security, and to economic development. Today, I urge my colleagues to support passage of H.J. Res. 63 and to affirm our Nation's commitment to mutual security, economic development and to the continuing special relationship with the islands, and the people, of the Federated States of Micronesia and the Republic of the Marshall Islands.

Mr. DOMENICI. Mr. President, I would like to take this opportunity to engage in a colloquy with Senator SPECTER, Senator BINGAMAN, and Senator HARKIN regarding the education provisions of H.J. Res. 63, to approve and extend the Compacts of Free Association between the U.S. and the Federated States of Micronesia, FSM, and the U.S. and the Republic of the Marshall Islands, RMI.

Mr. BINGAMAN. Of course.

Mr. DOMENICI. U.S. assistance under the current compact is made available as both financial and program assistance. In the case of education, several U.S. domestic programs have been extended to the FSM and RMI since the compact was first approved in 1986. In July, the administration testified on this legislation and stated that "funding in the compact was not structured to replace expiring Federal programs, or take the place of any program that is eliminated now, or could be eliminated in the future." In other words, continuation of the current program assistance was assumed. However, the House and Senate HELP committees have raised objections to this approach. Because these programs account for about 40 percent of the FSM and RMI education budgets, the success of the compacts depends upon

either continuing the extension of these programs, or providing an alternate source of funding.

The Domenici-Bingaman amendment in the nature of a substitute to H.J. Res. 63 includes language modeled on that passed in the House, that would create an authorization for alternate funding. The amendment would continue eligibility for certain essential programs, but eligibility would be ended for the remaining Department of Education and Department of Labor formula-grant programs, and for the Head Start program. In their place, an authorization is provided to fund two discretionary supplemental education grants: \$12,230,000 for the FSM, and \$6,100,000 for the RMI. Once appropriated, these supplemental education grants would be disbursed, used, and monitored in accordance with an agreement between the Secretary of Education and the Secretary of the Interior, and in accordance with the compact's fiscal procedures agreements with the FSM and RMI, respectively. This approach resolves the disagreement with the HELP committees while best assuring that the FSM and RMI will continue to have the resources needed to meet their education needs.

Mr. BINGAMAN. I agree. These grants, if funded, would continue the level of assistance which the administration and the island representatives assumed would be available to meet the education goals which they jointly established in the new compacts.

Mr. DOMENICI. I would like to ask the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, whether they support this approach and whether they will fund these alternate grants?

Mr. SPECTER. Yes. I support this approach proposed by my colleagues from the Energy Committee and assure them that, given a sufficient allocation, I will support funding for education in the FSM and RMI through the new supplemental education grants authorized in their amendment to H.J. Res. 63.

Mr. HARKIN. I concur in this approach and also assure my colleagues of my support for continued funding for education in the FSM and RMI under this new authorization.

Mr. DOMENICI. I thank my colleagues for their support.

Mr. DOMENICI. Mr. President, I would like to take this opportunity to engage in a colloquy with Senator INHOFE, Senator BINGAMAN, and Senator JEFFORDS regarding the disaster assistance provisions of H.J. Res. 63 to approve and extend the Compacts of Free Association between the U.S. and the Federated States of Micronesia, FSM, and the U.S. and the Republic of the Marshall Islands, RMI.

Mr. BINGAMAN. Certainly.

Mr. DOMENICI. Under the current compact, the disaster assistance programs of the Federal Emergency Management Agency, FEMA, have been

available to the FSM and RMI since 1986. Located in the western Pacific, the RMI and FSM are vulnerable to typhoons and experience periodic droughts in connection with the El Niño weather pattern. This vulnerability to disasters presents risks to public health and safety, jeopardizes the substantial investment made by the U.S. in the island's infrastructure, and it threatens achievements of the common goal of all three nations—promoting economic growth. Consequently, FEMA's presence in the islands has been shown to be an essential component of the assistance provided under the compact.

Mr. BINGAMAN. Would my colleague yield for a brief point?

Mr. DOMENICI. Yes.

Mr. BINGAMAN. As transmitted by the administration, the joint resolution approving the amended compacts would have eliminated FEMA and replaced it with the U.S. AID's Office of Foreign Disaster Assistance, OFDA. However, during consideration of this joint resolution by the Senate Committee on Energy and Natural Resources, the Committee recommended reinstatement of FEMA's availability.

Mr. DOMENICI. That is correct. In the final days before approval of the compacts, FEMA has transmitted a revised proposal regarding disaster assistance that would involve both FEMA and OFDA. This new proposal, coming at such a late stage in the process, has not been shared with the FSM and RMI. Indeed, it is my understanding that there are a number of questions about how the new proposal would work. Nevertheless, the concept appears sound and staff from the committee have worked with our colleagues on the Environment and Public Works Committee to craft a compromise.

Mr. INHOFE. That is correct. Our staffs have been working for the past few months on this issue. The compromise we have reached would continue the FEMA program in the islands for the next 5 years, as recommended by the Energy Committee. In addition, the Secretary of State would be directed to immediately undertake negotiations, in consultation with FEMA, with the governments of the FSM and RMI regarding disaster assistance. Finally, if an agreement is not concluded and legislation is not enacted which reflects the new agreement within 5 years, then the administration's revised disaster assistance proposal would go into effect.

Mr. JEFFORDS. That is correct. The compromise also directs the administration to report to Congress by June 30, 2004, on the outcome of such negotiations.

Mr. BINGAMAN. Yes. We hope and expect that an agreement will be concluded and transmitted by next June 30 and do not believe it should take the full 5 years.

Mr. DOMENICI. That is right. The Committees expect that FEMA, the administration, and the island governments will engage in such negotiations expeditiously and in good faith. Depending on the progress made by June 30, 2004, the Energy and Natural Resources Committee may hold an oversight hearing on the matter.

Mr. INHOFE. I agree with this approach.

Mr. JEFFORDS. As do I.

Mr. DOMENICI. I thank my colleagues for their support and for their cooperation in reaching this agreement.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the substitute amendment which is at the desk be agreed to, the joint resolution, as amended, be read the third time and passed, the amendment to the preamble which is at the desk be agreed to, the preamble, as amended, be agreed to, the amendment to the title which is at the desk be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2137) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 2138) was agreed to, as follows:

AMENDMENT NO. 2138

Strike the preamble and insert the following:

Whereas the United States (in accordance with the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the United Nations Charter, and the objectives of the international trusteeship system of the United Nations) fulfilled its obligations to promote the development of the people of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned;

Whereas the United States, the Federated States of Micronesia, and the Republic of the

Marshall Islands entered into the Compact of Free Association set forth in title II of Public Law 99-239, January 14, 1986, 99 Stat. 1770, to create and maintain a close and mutually beneficial relationship;

Whereas the United States, in accordance with section 231 of the Compact of Free Association entered into negotiations with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands to provide continued United States assistance and to reaffirm its commitment to this close and beneficial relationship; and

Whereas these negotiations, in accordance with section 431 of the Compact, resulted in the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", which, together with their related agreements, were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands on May 14, and April 30, 2003, respectively: Now, therefore, be it

The amendment (No. 2139) was agreed to, as follows:

AMENDMENT NO. 2139

Amend the title so as to read: "A joint resolution to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts."

The resolution (H.J. Res. 63), as amended, was read for the 3rd time and passed.

The preamble, as amended, was agreed to.

The title, as amended, was agreed to.

ORDERS FOR FRIDAY, NOVEMBER 7, 2003

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, November 7; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 150, the Internet tax moratorium bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. For the information of all Senators, tomorrow the Senate will resume debate on S. 150, the Internet tax moratorium bill. It is anticipated that the first amendment to the bill will be offered early tomorrow morning. It is the intention of the managers to work through as many amendments as possible tomorrow. Therefore, Senators should make themselves available for rollcall votes throughout the morning and into the afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:58 p.m., adjourned until Friday, November 7, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 6, 2003:

DEPARTMENT OF DEFENSE

FRANCIS J. HARVEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN P. STENBIT.

THE JUDICIARY

LAWRENCE F. STENGEL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE RONALD L. BUCKWALTER, RETIRING.